REMARKS

The present amendment replies to an Office Action dated September 19, 2007. Claims 10-12, 16-20, 23-26, 29-33, and 37-39 are currently pending in the present application. Claims 10, 16, 19, 20, 23, 24, 25, 29, 31, and 37 have been amended herein. In the Office Action, the Examiner rejected claims 10-39 on various grounds. The Applicants respond to each ground of rejection as subsequently recited herein and respectfully request reconsideration and further examination of the present application.

The Applicants wish to thank Examiner Pich for his interviews with the Applicants' attorney on August 21 and 23, 2007, and Interview Summary mailed September 19, 2007, which completely and accurately records the substance of the interview.

35 U.S.C. §103

Obviousness is a question of law, based on the factual inquiries of 1) determining the scope and content of the prior art; 2) ascertaining the differences between the claimed invention and the prior art; and 3) resolving the level of ordinary skill in the pertinent art. *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). The Applicants respectfully suggest that the cited references fail to contain all the claim limitations.

A. Claims 10 and 16 were rejected under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent No. 5,787,172 to Arnold (the *Arnold* patent) in view of U.S. Patent No. 6,748,530 to Aoki (the *Aoki* patent) in further view of U.S. Patent No. 6,694,025 to Epstein, *et al.* (the *Epstein* patent).

The *Arnold, Aoki, and Epstein* patents, alone or in combination, fail to disclose, teach or suggest:

as recited in amended independent claim 10, a method for secure communication between a client and a server in a data processing system including receiving a server

message including application code from the server at the client in response to the client message, the <u>application code having a first portion encrypted with a server private key</u> and a second portion; and <u>authenticating the first portion</u> of the application code <u>with the embedded server public key</u>; or

as recited in amended independent claim 16, a computer program product in a computer-readable medium for use in a data processing system for secure communication between a client and a server including instructions for receiving a server message including application code from the server at the client in response to the client message, the <u>application code having a first portion encrypted with a server private key</u> and a second portion; and instructions for <u>authenticating the first portion</u> of the application code <u>with the embedded server public key</u>.

Withdrawal of the rejection of claims 10 and 16 under 35 U.S.C. §103(a), as being unpatentable over the *Arnold* patent in view of the *Aoki* patent in further view of the *Epstein* patent is respectfully requested.

B.   Claims 11 and 17 were rejected under 35 U.S.C. §103(a), as being unpatentable over the *Arnold* patent in view of the *Aoki* patent in further view of the *Epstein* patent and in further view of U.S. Patent Publication No. US 2002/0078344 to Sandhu, *et al.* (the *Sandhu* publication).

As discussed in Section A above, the *Arnold, Aoki, and Epstein* patents fail to disclose, teach, or suggest receiving a server message including application code from the server at the client in response to the client message, the application code having a first portion encrypted with a server private key and a second portion; and authenticating the first portion of the application code with the embedded server public key. The *Sandhu* publication also fails to disclose these elements.

Claims 11 and 17 depend directly from independent claims 10 and 16, respectively, and include all the elements and limitations of their respective independent claims. The Applicants respectfully submit that claims 11 and 17 are allowable for at least the reasons discussed above for their respective independent claims.

Withdrawal of the rejection of claims 11 and 17 under 35 U.S.C. §103(a), as being unpatentable over the *Arnold* patent in view of the *Aoki* patent in further view of the *Epstein* patent and in further view of the *Sandhu* publication is respectfully requested.

C.   Claims 12, 18, 25, 26, 29 and 30 were rejected under 35 U.S.C. §103(a), as being unpatentable over the *Arnold* patent in view of the *Aoki* patent and in further view of the *Epstein* patent and in further view of the *Sandhu* publication and in further view of U.S. Patent No. 5,970,147 to Davis (the *Davis* patent).

Regarding independent claims 12 and 18, the *Arnold, Aoki, and Epstein* patents fail to disclose, teach, or suggest receiving a server message including application code from the server at the client in response to the client message, the application code having a first portion encrypted with a server private key and a second portion; and authenticating the first portion of the application code with the embedded server public key, as recited in independent claims 10 and 16 and discussed in Section A above. The *Sandhu* publication also fails to disclose these elements, as does the *Davis* patent. Claims 12 and 18 depend indirectly from independent claims 10 and 16, respectively, and include all the elements and limitations of their respective independent claims. The Applicants respectfully submit that claims 12 and 18 are allowable for at least the reasons discussed above for their respective independent claims.

Withdrawal of the rejection of claims 12 and 18 under 35 U.S.C. §103(a), as being unpatentable over the *Arnold* patent in view of the *Aoki* patent and in further view of the *Epstein* patent and in further view of the *Sandhu* publication and in further view of the *Davis* patent is respectfully requested.

Regarding claims 25, 29, 26, and 30, the *Arnold, Aoki, and Epstein* patents, the *Sandhu* publication, and the *Davis* patent, alone or in combination, fail to disclose, teach, or suggest:

as recited in amended independent claim 25, a method for secure communication between a client and a server in a data processing system including generating a server message including application code at the server in response to the client message, the application code having a first portion encrypted with the server private key and a second portion, the first portion being authenticable with a server public key; or

as recited in amended independent claim 29, a computer program product in a computer-readable medium for use in a data processing system for secure communication between a client and a server including instructions for generating a server message including application code at the server in response to the client message, the application code having a first portion encrypted with the server private key and a second portion, the first portion being authenticable with a server public key.

Claims 26 and 30 depend directly from independent claims 25 and 29, respectively, and include all the elements and limitations of their respective independent claims. The Applicants respectfully submit that claims 26 and 30 are allowable for at least the reasons discussed above for their respective independent claims.

Withdrawal of the rejection of claims 25, 29, 26, and 30 under 35 U.S.C. §103(a), as being unpatentable over the *Arnold* patent in view of the *Aoki* patent and in further view of the *Epstein* patent and in further view of the *Sandhu* publication and in further view of the *Davis* patent is respectfully requested.

D.   Claims 19, 23, 31, and 37 were rejected under 35 U.S.C. §103(a), as being unpatentable over the *Arnold* patent in view of Examiner's Official Notice and in further view of the *Aoki* patent and in further view of the *Epstein* patent.

The *Arnold, Aoki, and Epstein* patents, and the Examiner's Official Notice, alone or in combination, fail to disclose, teach, or suggest:

as recited in amended independent claim 19, a method for secure communication between a client and a server in a data processing system including the server message including <u>application code having a first portion encrypted with a server private key</u> and a second portion, <u>the first portion being authenticable with a server public key</u>;

as recited in amended independent claim 23, a computer program product in a computer-readable medium for use in a data processing system for secure communication between a client and a server including instructions for generating a server message at the server, the server message including <u>application code having a first portion encrypted with a server private key</u> and a second portion, <u>the first portion being authenticable with a server public key</u>;

as recited in amended independent claim 31, a method for secure communication between a client and a server in a data processing system including receiving a server message from the server, the server message including <u>application code having a first portion encrypted with a server private key</u> and a second portion; and <u>authenticating the first portion</u> of the application code <u>with a server public key</u>; or

as recited in amended independent claim 37, a computer program product in a computer-readable medium for use in a data processing system for secure communication between a client and a server including instructions for receiving a server message from the server, the server message including <u>application code having a</u>

<u>first portion encrypted with a server private key</u> and a second portion; and instructions

for <u>authenticating the first portion</u> of the application code <u>with a server public key</u>.

Withdrawal of the rejection of claims 19, 23, 31, and 37 under 35 U.S.C. §103(a), as

being unpatentable over the *Arnold* patent in view of Examiner's Official Notice and in further

view of the *Aoki* patent and in further view of the *Epstein* patent is respectfully requested.

E. Claims 20, 24, 32, 33, 38, and 39 were rejected under 35 U.S.C. §103(a), as being unpatentable over the *Arnold* patent in view of Examiner's Official Notice and in further view of the *Aoki* patent and in further view of the *Epstein* patent and in further view of the *Sandhu* publication.

As discussed in Section D above, the *Arnold, Aoki, and Epstein* patents, and the

Examiner's Official Notice fail to disclose, teach, or suggest the server message including

application code having a first portion encrypted with a server private key and a second

portion, the first portion being authenticable with a server public key as recited in amended

independent claims 19 and 23; or receiving a server message from the server, the server

message including application code having a first portion encrypted with a server private key

and a second portion; and authenticating the first portion of the application code with a server

public key, as recited in amended independent claims 31 and 37. The *Sandhu* publication also

fails to disclose these elements.

Claims 20 and 24 depend directly from independent claims 19 and 23, respectively.

Claims 32 and 33 and claims 38 and 39 depend directly or indirectly from independent claims

31 and 37, respectively. The dependent claims include all the elements and limitations of their

respective independent claims. The Applicants respectfully submit that claims 20, 24, 32, 33,

38, and 39 are allowable for at least the reasons discussed above for their respective

independent claims.

Withdrawal of the rejection of claims 20, 24, 32, 33, 38, and 39 under 35 U.S.C. §103(a), as being unpatentable over the *Arnold* patent in view of the Examiner's Official Notice and in further view of the *Aoki* patent and in further view of the *Epstein* patent and in further view of the *Sandhu* publication is respectfully requested.

SUMMARY

Reconsideration of the rejection of claims 10-12, 16-20, 23-26, 29-33, and 37-39 is respectfully requested in light of the remarks herein. The Applicants submit that claims 10-12, 16-20, 23-26, 29-33, and 37-39 as set forth by this Amendment fully satisfy the requirements of 35 U.S.C. §§ 102, 103, and 112. In view of foregoing remarks, favorable consideration and early passage to issue of the present application are respectfully requested.

Dated: **December 18, 2007**

Respectfully submitted,
DAVID J. CRAFT, *et al.*

/FRANK C. NICHOLAS/

CARDINAL LAW GROUP
1603 Orrington Avenue, Suite 2000
Evanston, IL 60201
(847) 905-7111

Frank C. Nicholas
Registration No. (33,983)
Attorney for Applicants